

Property Rights and Zoning: A Balance Rooted in Founding Principles

By Council Member Mike Shelton



In the seven years that I have served on the City Council, nothing has ignited the passions of residents more than zoning issues. People are

appropriately passionate about their property.

"The right of property is the guardian of every other right and to deprive the people of this, is in fact to deprive them of their liberty." —Arthur Lee of Virginia, 1775

Property rights are the substance of a free society. They are vital to our democracy, to our government, and to our freedom.

Several months ago, we invited Brent N. Bateman to a City Council meeting to address the topic of property rights in the State of Utah. Brent is the Utah Property Rights Ombudsman, whose office is charged, by state statute, to protect and preserve the property rights of Utah citizens. The Ombudsman's office helps individuals and government agencies understand and comply with land use and property rights laws. The office also resolves property rights disputes.

Mr. Bateman reminded the Council that the U.S. Constitution, and more particularly the Bill of Rights, exists to protect citizens from the government. Property rights law is founded in the protection of individual property rights from the government, not for the government. When it comes to property rights, he explained, "the basic right that people have in their property is to do whatever they want with their

land. Anything. That means if I own a piece of land, I can do what I want on it."

While acknowledging that the basic right is that you can do whatever you want with your land, we as a nation further acknowledge that anybody doing anything they want with their land would lead to chaos and could be dangerous for other people. The rule is that property owners can do anything they want with their land, but zoning laws are permitted to create exceptions to that rule for the common good.

Mr. Bateman explained that zoning laws are founded in the police power. A city can create zoning laws because a city has police power that is delegated to it by the state. Zoning laws are permitted the extent that they ensure the health, safety and welfare of citizens.

Mr. Bateman continued: "[The city] get[s] to tell people what they can and cannot do on their land. But to do that, you must create ordinances. You don't get to do that without creating an ordinance because you have to create one of these formal exceptions to the overriding rule [protecting individual property rights]. If you haven't said someone can't do something, they can, no matter what it is."

Utah is a property rights state. State law provides a number of protections that prohibit local government from creating situations that are averse to the land owner who submits a development application. For example, if land use regulations are unclear,



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Upcoming Cottonwood Heights Events

March	Photography Show @ City Hall - Open House March 28 - 6 p.m.
March 15	Rocky Mountain Strings Concert @ Butler Middle School - 7 p.m.
March 25, 26	Little Mermaid Auditions @ City Hall - 6 to 9 p.m. (Callbacks March 30 – times TBA)
April 13	Cottonwood Heights Shakeout @ Rec. Center - 9 a.m.
April 19	Teen Easter Party @ Rec. Center - 7 to 9 p.m.
April 20	Easter Egg Hunt @ Butler Middle School - 9:30 a.m.

Little Mermaid Audition Information

March 25 & 26 – 6 to 9 p.m.

Cottonwood Heights City Hall
2277 Bengal Blvd.

Callbacks – March 30

(times TBA)
Cottonwood Heights City Hall

Audition Instructions:

- ✓ Prepare a two-minute song that showcases your voice.
- ✓ Bring sheet music or a track recording. An accompanist or speaker will be provided.
- ✓ Bring recent headshot.

Callback Instructions:

- ✓ Be prepared to sight-read a short song from the musical.
- ✓ Be prepared to read from the script.
- ✓ Be prepared to dance.

Performers are encouraged to download an audition application (Arts.Ch.Utah.gov) and bring a completed form to the audition. Performers may come early to fill out a form at the audition.

Performances are held at the Cottonwood Heights Theater at Butler Middle School on July 12, 13, 15, 18, 19, 20. ■



History Question of the Month

In March of 1951, what new business opened in the Cottonwood Heights area?

Answer on page 4


Photography Show On Display in March

The annual Cottonwood Heights Photography show will be held throughout the month of March.

The photographs will be on display at Cottonwood Heights City Hall throughout the month. Photographers will share the beauty they have captured behind the lens. Photographs will be judged and prizes awarded.

On March 28, an open house to meet the artists will be held at City Hall from 6 to 8 p.m.





Thanks to all photographers for sharing their talents with the community. ■

COTTONWOOD HEIGHTS ARTS COUNCIL PRESENTS THE 2019
PHOTOGRAPHY SHOW

Visit ARTS.CH.UTAH.GOV for details.

Reception at Cottonwood Heights City Hall March 28th 6:00 pm – 8:00 pm

"Property Rights and Zoning", continued from cover

confusing, or contradictory, then the decision on a land use application must favor the applicant's right to use his property as he or she wishes. UCA (10-9a-306). The city has the right to create land use regulations but is then obligated to follow

"Property rights are the substance of a free society."

them. If the land use applicant complies with the applicable regulations in all respects, they have the right to be approved.

Sometimes people say to us: "You should not approve this land use request. The residents don't want it, and you should represent the residents by denying the application. If this is not good for the city, then you must deny the applicant."

State law requires the land use authority of the city to ask a different question: "Is there something in the city ordinances in place at the time the applicant applied that gives the city the right to create an exception to the applicant's basic property rights?" The city is not empowered to grant an owner the right to use their property; that basic right accrues to them under the Constitution. Instead, the city only can create an

exception to that basic property right in situations where land use regulations, in effect when the application was filed, authorize such exception.

Good land use decisions are based in compliance with standards. If the standards are met, the city has no formal exception upon which to deny the applicant's basic property rights. If the city's ordinances include a standard for, by way of example,

protection of views, then the city may impose a condition that an applicant takes measures to protect those views. If there is no legal standard in effect concerning views at the time the application is filed, however, then the city may not deny the application because it interferes with views.

Sometimes land use ordinances contain goals (for example, that a development should be walkable) indicating the motivation for related standards, but if standards are not specified in the land use regulation then the goal would simply constitute an unclear standard which ultimately must be decided in favor of the applicant. In other words, any amount of walkability would be walkable enough.

The time to decide what a city wants to look like is during the general plan planning process.

The general plan leads to the ordinances that implement the general plan, including those which impose exceptions to basic property rights. Those ordinances must be grounded in health, safety and welfare of the city's residents as determined by the City Council and define the standards that will apply to future land use applications. The Mayor and City Council have set as one of our top priorities to begin



a comprehensive review and rewrite of the city's General Plan, which is the fundamental component of the city's land use law regimen. We look forward to the involvement of many residents who will help throughout the process and encourage the involvement of those who want their position to be part of that conversation. ■

Rocky Mountain Strings in Concert



Amazing young violinists from Rocky Mountain Strings will share the joy of music in a community concert, sponsored by the Cottonwood

Heights Arts Council. Music lovers of all

ages will enjoy classical favorites like Salut D'Amour, to crowd-pleasers like Millionaire's Hoedown and a medley from the blockbuster film, The Greatest Showman. Rocky Mountain Strings will be joined by outstanding young dancers from Premier Dance Academy and the Brighton High School Madrigals. Mark your calendar for a concert your entire family will enjoy. Admission is free. ■

Rocky Mountain Strings in Concert

Friday, March 15 at 7 p.m.

Cottonwood Heights Theater at Butler Middle School

Get Ready for Butlerville Days

Cottonwood Heights' annual summer tradition is coming up, and this year's Butlerville Days will be one of the best ever. Plan on great entertainment, games, a carnival, the BVDays Parade and, of course, the best fireworks show in the valley. The celebration will be held on July 26 and 27 at Butler Park.

This exciting two-day celebration is planned by a team of volunteers in conjunction with Cottonwood Heights city staff and the

Cottonwood Heights Recreation Center.

Registration and application information for the Parade Grand Marshal, Parade Entries, Creative Craft Market, Stage Entertainment, Chalk Art Show, and Pickleball Tournament will be available on the city's website and social media channels in the coming weeks.

Save the date, and make plans to participate at Butlerville Days this summer! ■

Save the Date!

CH Easter Activities

Teen Party April 19

Egg Hunt April 20



City Council Passes Sustainability Energy Resolution

During a meeting on Jan. 8, the Cottonwood Heights City Council unanimously passed a resolution adopting a sustainable energy policy to seek mutually beneficial and financially feasible methods to increase energy efficiency and utilization by and within the city.

The resolution calls for exploratory and implementation milestones for renewable energy conversion, in collaboration with Rocky Mountain Power.



The primary goal of the policy is for all city operations to be powered by 100 percent

renewable electricity supply by the year 2022. The resolution also sets the same goal for all residents and businesses by the year 2032 without compromising affordability, reliability and environmental stewardship.

Cottonwood Heights is one of only four other Utah governments to adopt such a resolution, joining Salt Lake City, Park City, Moab and Summit County. ■

Spring into March with Plenty to do at Whitmore Library

This month, Whitmore Library is hosting Yoga programs, classes to help you become familiar with the library's 3D printer — a LulzBot TAZ 6, continued help with your taxes from the VITA program, and lots of children's playtimes and story times. Other programs include:

Full Steam Ahead. The Full STEAM Ahead! program allows school-age kids to learn about STEAM principles while using fun hands-on activities, such as making a mini planetarium out of toilet paper rolls and constructing Lego

buildings that can withstand an earthquake. The hour-long after-school program is for 6- to 9-year-olds.

Trail of Tolerance. The Trail of Tolerance is an international traveling outdoor poster show created by designer Mirko Ilić that uses art to promote tolerance, peace and humanity.

Beehive Voting. March is the home stretch for voting for the 2019 Beehive Book Award. Youth under 18 can read picture books, children's or teen fiction, poetry and informational books. Submit



votes to help select the winners for Utah's only children's choice book award.

For more information about the Whitmore Library programs and services, visit thecountylibrary.org. Also access resources online, including downloadable eBooks and eAudiobooks, business resources, research on careers, test preparation, and even AcornTV which features streaming video of mysteries, dramas and comedies from Britain. ■

CH Volunteers Honored

Many of Cottonwood Heights' volunteer leaders gathered on Jan. 24 to receive honors during a special dinner at City Hall.

Volunteers for Butlerville Days, the CH Arts Council, Historic Committee, Emergency Preparedness, city partners and other councils, commissions and boards were all honored by

Mayor Mike Peterson and City Council members. Some volunteers were honored for devoting several years to the service of the community.

Thanks to all who donate of their time and talents to improve and maintain our quality of life in Cottonwood Heights. ■



Answer

Question, continued from page 2

One of the far west's most modern sand and gravel and ready-mix concrete plants opened in Cottonwood Heights at 6691 South 2300 East during March 1951. It was operated by the Utah Sand and Gravel Products Corp. Eastman Hatch, president of the company said, "It is capable of producing 200 tons of sand and gravel an hour, and all of it is pressure washed. The plant uses

approximately 1,000 gallons of water per minute for washing, when in full operation."

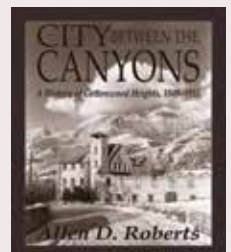
"The plant is equipped to provide gravel of any size and sand for either concrete or plaster and road gravel." He also explained that the plant was capable of producing 75 cubic yards of concrete an hour, and that the company's large fleet of ready-mix concrete trucks would be drawn upon to serve the plant and provide delivery of any quantity, large or small.

Superintendent of the new plant was Rex Baird, a Cottonwood Heights resident. The company was founded in 1918. ■

Buy the Book!

Stories like this can be found in the book "City Between the Canyons: A History of Cottonwood Heights 1849-1953."

The book would be a great gift. Pick up yours at City Hall.



Autonomous Vehicles: The Future is Now

By UFA Assistant Chief Mike Watson



I recently read an article about autonomous vehicles (AVs) in IAFC On Scene, a publication by the International Fire Chiefs Association.

The article caught my attention for four reasons:

First, one of our work vehicles was rear-ended by an autonomous vehicle several months ago. This crash brought up several questions, both within our agency and the media, about their operation. Second, not all autonomous vehicles are created equal, meaning there are different levels of what these vehicles are designed to do. Third, agencies such as fire and police need to know what these vehicles are and are not capable of and how they operate. And lastly, the public needs to be familiar with these vehicles as well and know how to operate them in the manner they were intended.

Chris Urmson, CEO and co-founder of Aurora Innovation, states that automobile manufacturers have made many changes over the years to make cars safer. They have added seatbelts, airbags and even built cars to be stronger. The one component they have had no control over also happens to be the weakest link – the driver. Each year, approximately

33,000 deaths are the result of automobile crashes in the United States. These are some of the reasons we have seen efforts to make cars smarter, which has been happening for about the past 10 years.

Vehicles that do not require a driver are still being developed and range from vehicles that will not need brake pedals, gas pedals or steering wheels to vehicles that do not require a driver at all. The National Highway Traffic Safety Administration (NHTSA) categorizes autonomous vehicles in this way: Level 1: Cruise control; Level 2: Adaptive cruise and park assist; Level 3: Park and brake assist; Level 4: Fully autonomous; Level 5: No steering wheel, no gas or brake pedal. This is a self-driving vehicle and people are essentially riding in a POD, rather than a car. Vehicles such as these are predicted to be available in 2025-2030.

The higher the level, the more sensors and technology and hence, many fewer accidents. Self-driving vehicle accidents will probably not be eliminated, however. We should not assume that technology will fix everything, as we do not yet know how autonomous vehicles will adjust to things like construction zones or inclement weather conditions. Driver-assisted vehicles will continue to rely to some extent on the driver, so there will still be accidents with those types of vehicles. That

said, predictions are that there will be fewer accidents (up to one-half) with them than vehicles that are not autonomous.

As the technology continues to progress toward Level 5 (self-driving vehicles), more and more possibilities are opening up. PODs are currently being developed that can



deliver your groceries to your curb. NHTSA contemplates self-driving cars and trucks that will drive us, rather than us driving them. Parents will be able to send their kids to school in a fully autonomous POD or car. People who are blind or who have severe vision disabilities will eventually be able to have their own cars, as will people who have physical disabilities that prevent them from driving vehicles that are not fully autonomous.

It is clear that the technology is here to stay. It is up to public safety agencies and the public who operate these vehicles to know how they operate and what their capabilities are.

Thanks, and as always, stay safe! ■

Some Tips for Dealing with Door-to-Door Solicitors

By Stan Rosenzweig - CH Neighborhood Watch

Police and municipal officials receive many complaints each year from those who fall for scamming by door-to-door solicitors. Many door-to-door salespeople are honest, but not all. Strangers knocking at your door may use high pressure tactics or trick you into overpaying for things you don't want or can't afford. Occasionally, some of us don't even know we've made a purchase.

So, what should you do to protect yourself? The best defense is to not open your door to anyone you don't know or whose identity you can't establish.

If you are face to face with a solicitor,

ask them to show Cottonwood Heights' Residential Solicitation Certificate. Official Certificates are issued by Cottonwood Heights Police and must be in the possession of each solicitor when they come knocking.

Not only must solicitors always carry those certificates, but they can only canvass between 9 a.m. and 9 p.m. There are exceptions. A Certificate is not required for someone you have invited, Utah State employees, delivery persons, those distributing religious information, political campaigns, or charitable organizations.

Everyone else must show you their CH



Police-issued Certificates. If not, call 801-840-4000 to report it. Also, when you see what you consider suspicious people canvassing the neighborhood, take a moment to observe physical descriptions of the solicitors and record the address. Call our local police department's non-emergency number, 801-840-4000, to ensure they are legitimate. Remember, "If you see something, say something." ■

Bagging Recyclables

WFWRD is still seeing many situations where residents are placing recycling materials in plastic bags. The recycling processing facilities will not accept plastic-bagged materials, and they often

forward them to the landfill, unopened. Please do not place anything in your recycling can that is wrapped in plastic bags.

Contact Sustainability Coordinator, Jeffrey Summerhays, jsummerhays@wasatchfrontwaste.org or 385-468-6337, if you have specific recycling questions. ■

Green Waste Program

The weekly Green Waste Collection Program will resume beginning Wednesday, March 20 for Cottonwood Heights residents. Cottonwood Heights

currently has 873 out of the 5,939 district-wide subscribers. This is a subscription program that helps divert green waste from the landfill to be processed into mulch that can be purchased for use from the Salt Lake Valley and Trans-Jordan landfills. At \$114 per year, a green waste can is less expensive than an additional black refuse can at \$204 per year. For more information on this program and composting, please visit our website at: <http://wasatchfrontwaste.org/green-waste>. ■



Landscape Maintenance

Now is the perfect time of year to trim your trees! Salt Lake County Ordinance 14.12.050, and other municipal ordinances, require that trees and landscaping which overhang the street pavement need to be trimmed to a minimum height of 13 ½ feet above the street pavement. Following these guidelines will help waste trucks navigate through your neighborhood and empty cans without potential damage to your trees and WFWRD trucks. ■



REGISTER NOW FOR FLAG FOOTBALL

Online @ chprsa.activityreg.com or in-person at CHRC !

Deadline for football registration is March 18th, 2019.



SPRING AQUATICS PROGRAMS ARE NOW OPEN FOR REGISTRATION

- *Swimming Lessons*
- *Pre-Comp*
- *Boy Scouts*

NOW ACCEPTING APPLICATIONS FOR ALL SUMMER POSITIONS

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INSTRUCTORS | PARKS WORKERS | SUMMER
CAMP COUNSELORS | CUSTOMER SERVICE
REPRESENTATIVES | ADMISSIONS


COTTONWOOD HEIGHTS
PARKS & RECREATION SERVICE AREA

[chparksandrec](http://chparksandrec.com)

COTTONWOODHEIGHTS.COM

City Council Members

MAYOR - Michael J. Peterson
DIST# 1 - Michael L. Shelton
DIST# 2 - J. Scott Bracken
DIST# 3 - Tali C. Bruce
DIST# 4 - Christine Watson Mikell
CITY MANAGER - Tim Tingey

City Office

2277 E. Bengal Blvd
 Cottonwood Heights, UT 84121
 Phone 801-944-7000
 Fax..... 801-944-7005

Numbers to Know

Emergency..... 911
 Dispatch 840-4000
 Fire Authority..... 743-7100
 Animal Control 840-4000
 Justice Court..... 273-9731

Call Direct

City Manager 944-7010
 City Planning 944-7065
 Public Works 944-7000
 Recorder 944-7021
 Finance Director..... 944-7012
 Code Enforcement 944-7095
 Police Administration 944-7100

City Council Meetings

March 5 - Work Session 5 p.m.,
 Business Meeting 7 p.m.
March 19 - Work Session 5 p.m.,
 Business Meeting 7 p.m.

*(Work session reconvenes after
 business meeting.)*
*Agendas are posted 24 hours in
 advance of public meetings.*
*For details about the agendas,
 go to: www.ch.utah.gov*

Planning Commission

The Planning commission holds meetings at 6 p.m. on the first Wednesday of each month. This month's meeting will be held on March 6.

Editors

Dan Metcalf, Kim Horiuchi

Graphic Designers

Emily Adams, EMDGraphics.com
 Megan Pace

Brighton Swimmers Claim 23rd State Championship Crown

In a performance to rival last year's first-place team finish, the Bengal boys won the 2019 5A Utah Swim Championships. This year's victory marks the team's 23rd state crown, and Brighton High's 119th state championship in 50 years. The meet was close with Cottonwood High leading at the mid-point, but Brighton finished strong, racking up points with podium finishes in the



Bengal Rachel Butler was a favorite to win the 200 IM and 500 freestyle, and didn't disappoint.

500 boys freestyle and a strong performance in the 400 freestyle relay. The girls also performed well.

The senior, who has committed to swim for the University of Minnesota next fall, earned two first-place finishes while breaking her own 5A and state record in the 200 IM. Butler additionally was named by the Utah High School Activities Association as the top girl's swimmer. Coach Todd Etherington also has been named the 2019 Coach of the Year by the 5A Coaches Association. ■



Brighton High Accadians Place First in Dance

The award-winning Brighton High Accadians drill team placed first in the dance category at the Utah High School Activities Association's 5A Drill Team Championship on Saturday, Feb. 2. The dancers also finished in fifth-place in the military and kick-line categories, and ended the season as the fifth-place team overall. The Accadians were among nine teams that qualified in a semi-final round of judging to vie for the state trophy. The team won the opportunity to appear in the semifinals by winning first place at the Region 7 competition, at which Brighton won first place in the dance, military and kick-line events. ■



Business Spotlights

Chick-fil-A | 1088 E. Fort Union Blvd.



Chick-fil-A, located at 1088 E. Fort Union Blvd., was the 13th Chick-fil-A built in Utah and opened on March 17, 2011. Owner Gene Parsons and his wife, Susan, are involved in the community where they serve and assist in

various organizations including Make-A-Wish, Utah Down Syndrome Foundation, Cookies for Kids, The Christmas Box House, Red Cross and the American Cancer Society, as well as the many schools in the area. Look for the Fort Union restaurant on Instagram @chickfila_fortunion and on Facebook at Chick-fil-A Fort Union for

information about upcoming events, catering, and promotions including visits from the Utah Jazz Bear, Family Nights and more. ■



Heiden Orthopedics | 6360 S. 3000 East, Suite 210



Heiden Orthopedics and Physical Therapy & Sports

Medicine of Salt Lake City (PTSM), are joint clinics located in Cottonwood Heights. The orthopedic practice is led by Olympic gold medalist Dr. Eric Heiden, and physical



therapy is headed by Amy DeLap, DPT. They specialize in sports medicine, joint

surgery, fracture care, podiatry, bone health, stem cells therapy, integrative rehabilitation and more. The orthopedic doctors at Heiden Orthopedics know the importance of physical activity, exercise, and wellness and are able to take advantage of a close relationship with PTSM. "We want our patients to feel they receive the very best care possible from surgery through rehabilitation," according to the business. ■

Ribbon Cutting Planned for Salon



LunchboxWax®

Lunchbox Wax will soon be opening in Cottonwood Heights. A Ribbon Cutting to mark the occasion is planned

for Thursday, March 14 at 4 p.m. at the new salon, 1991 E. Fort Union Blvd. Lunchbox Wax is a full-service, speed-waxing salon. ■

Yummy! CHBA Hosts Annual Death by Chocolate Event

The Cottonwood Heights Business Association hosted its third annual Death by Chocolate event at City Hall on Feb. 12.

Participants enjoyed tasty chocolate treats from several local vendors, just prior to Valentine's Day. Thanks to all for attending and supporting local businesses in Cottonwood Heights, and a special thank you

to all the vendors who shared their creations.

The association could not host this chocolate extravaganza without your support, namely Angel Café, Carmine's, Chick-fil-A, JulieAnn Caramels, Market Street Grill, Redstone Olive Oil, Smith's, The Chocolate Palette, Trader Joe's and Dunford Donuts. ■



CH Trainer is Raising the Bar on Fitness



Ryan Carver, founder of Leverage Fitness Solutions in Cottonwood Heights, has been recognized by national magazine Personal Fitness Professional as its February 2019 Trainer of the Month. The magazine describes Carver as humble and

smart. "He is hungry to serve and selflessly help others," states the magazine, which published a Q&A with Carver.

In the article, Carver says it was his dream to open his own facility, Leverage Fitness Solutions, in 2017. He started as a personal trainer in 2005 and holds a bachelor's degree in fitness leadership from the University of Utah. "I believe

we all raise the bar by emulating the best, collaborating — not competing — with other fitness professionals, and holding yourself and each other to sometimes ridiculously high standards. I am striving to live this day in and day out. The more people who join in this concept, the higher the bar will become, and you'll be lifted to heights you never thought possible." ■